

DATE: SEPTEMBER 27, 2022

FROM: ENVIRONMENTAL MANAGEMENT

SUBJECT: RESOLUTION NO. _____ - APPROVAL OF PERSONAL SERVICES AGREEMENT FOR AS-NEEDED EMERGENCY RESPONSE AND HAZARDOUS WASTE MANAGEMENT SERVICES WITH OCEAN BLUE ENVIRONMENTAL SERVICES, INC.

SUMMARY:

Staff requests approval of the proposed one-year Agreement (Agreement) with Ocean Blue Environmental Services, Inc. (Ocean Blue) to provide as-needed emergency response and hazardous waste management services for the City of Los Angeles Harbor Department (Harbor Department) including support of Port Police, Construction and Maintenance (C&M), and Real Estate Division (RED) activities at the Port of Los Angeles (Port). Approval of this action will authorize a total not-to-exceed amount of \$2,000,000 to be incurred over a one-year period under the proposed Agreement. The Harbor Department will be financially responsible for payment of expenses incurred under the proposed Agreement.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) of the Los Angeles City CEQA Guidelines;
2. Find that in accordance with the City Charter Section 1022, work under the subject Agreement can be performed more feasibly by independent consultants than by City of Los Angeles employees;
3. Approve the Agreement with Ocean Blue Environmental Services, Inc. (Long Beach, CA) for a term of one year for the total not-to-exceed amount of \$2,000,000;
4. Authorize the Executive Director to execute and the Board Secretary to attest to said Agreements, for and on behalf of the Board; and
5. Adopt Resolution No. _____.

DATE: SEPTEMBER 27, 2022

PAGE 2 OF 6

SUBJECT: AGREEMENT FOR EMERGENCY RESPONSE AND HAZARDOUS WASTE MANAGEMENT SERVICES

DISCUSSION:

Background/Context – The proposed Agreement (Transmittal 1) supports the Harbor Department in its responsibility to manage hazardous and regulated wastes in compliance with federal, state, and local laws on an emergency basis, according to the Board's resolution adopted April 13, 1988, establishing a Hazardous Materials Management Policy for the proper management of hazardous materials.

The primary services provided under the proposed Agreement is emergency and non-emergency responses to chemical spills or releases of regulated and/or hazardous materials and abandoned wastes within the Port. This work will be performed under the direction of the Environmental Management Division (EMD), with further direction as appropriate by federal and state agencies, including the U.S. Coast Guard, the California Department of Fish and Wildlife, the U.S. Environmental Protection Agency, and the Los Angeles Regional Water Quality Control Board. EMD also responds to requests from other Harbor Department divisions, including Port Police, C&M and RED, for services that involve emergency waste management removal and disposal. The work performed through this proposed Agreement requires specialized training, equipment, and licenses to handle and dispose of hazardous substances and wastes.

In the past 20 years, at least one and up to four contractors have been used for emergency response/hazardous waste services depending upon staff's judgment of anticipated work. Over the past three years, three contractors were used to complete over 450 individual projects for the Harbor Department. The projects include responding to chemical releases or spills; removal and disposal of abandoned wastes; disposal of biowaste (e.g., marine mammal carcasses, cleaning Port Police vehicles, etc.); removing hazardous waste from derelict boats; asbestos and lead abatement; disposing of contaminated soil and groundwater; and the disposal of creosote-treated wood pilings.

Services to be Performed – Services to be provided under the proposed Agreement are detailed in the Scope of Work and include, but are not limited to the following:

- Emergency response to contain and abate chemical and/or hazardous material spills on land or water
- Assistance to C&M personnel in projects that involve confined space entry and potential releases to the environment
- Collection, containment, transport, and disposal of hazardous and non-hazardous waste generated through Harbor Department-sponsored waste oil collection areas, waste stored at C&M's Berth 161 hazardous waste containment shed, and waste abandoned on Port property
- Roof tear-offs prior to installation of solar panels
- Decontamination and/or disposal of sunken or derelict vessels

DATE: SEPTEMBER 27, 2022

PAGE 3 OF 6

SUBJECT: AGREEMENT FOR EMERGENCY RESPONSE AND HAZARDOUS WASTE MANAGEMENT SERVICES

- Abatement of asbestos-containing material and lead-based paint
- Recovery and disposal of dead marine mammals found in harbor waters
- Biannual cleaning of sewer lift and storm water pump stations
- Mold abatement
- Removal and disposal of underground storage tanks
- Jetting out plugged drain lines
- Responding to sewage spills and the pumping and disposal of sewage
- Pressure washing and steam cleaning associated with waste cleanup
- Waste management associated with Harbor Department-sponsored events

The term of the current contractor agreements expires in October 2022, and staff is still assessing the amount of anticipated emergency response/hazardous waste work and the optimal number of contractors that will be needed in the coming years. Consequently, the Harbor Department proposes to use a single contractor for a one-year period while staff completes this evaluation.

Work Assignments – For emergency response services, the selected contractor will be called out with an expected response time of 30 minutes. EMD personnel will also respond to emergency calls and will oversee and document when the contractor arrives on scene and monitor the contractor's work. Port Police, as first responders, may be on-scene to oversee and document contractor's emergency performance. The contractor must submit a cost estimate within 24-hours of responding to an emergency response call. The work assignments for non-emergency services will be authorized through the issuance of Project Directives (PD) approved by the Executive Director or designee and Notices to Proceed.

Selection Process – On January 27, 2022, the Harbor Department issued a Request for Proposals (RFP) for Emergency Response and Hazardous Waste Management Services. The RFP was posted on the Port's website, and automatic email notifications were sent out to all firms registered on the Regional Marketplace for Procurement (RAMP) under the applicable North American Industry Classification System (NAICS).

The Harbor Department received proposals from four firms. All four firms were reviewed using evaluation criteria published in the RFP (Transmittal 2). The evaluation committee consisted of two Environmental Specialists and one Marine Environmental Supervisor from EMD, a Sergeant from the Port Police Hazmat Investigations Unit, and an Environmental Affairs Officer from the City of Los Angeles Department of Transportation.

The proposals were scored based on a total eligible score of 100 points, as outlined in the RFP. A Local Preference of 8% was added to the score to determine the Final Score. Staff initially identified two firms to move forward with contract negotiations, but before

SUBJECT: AGREEMENT FOR EMERGENCY RESPONSE AND HAZARDOUS WASTE MANAGEMENT SERVICES

that process could be completed, staff discovered a misrepresentation in one of the firm’s proposals. As a result, staff chose to end negotiations with that firm and move forward with a single firm for a period of one year while staff completes its assessment of the amount of anticipated emergency response/hazardous waste work and the optimal number of contractors that will be needed following this one year period.

The scores for the firms that were evaluated, are summarized in the table below.

Proposal Evaluation Summary

| Team | Reviewer Average Score | | | | | Local Business Enterprise | Final Score |
|----------|------------------------|------|----|----|----|---------------------------|-------------|
| | 1 | 2 | 3 | 4 | 5 | | |
| 1 | 90 | 86 | 89 | 96 | 93 | 8 | 98.8* |
| 2 | 87 | 75.5 | 86 | 93 | 77 | 8 | 91.7 |
| 3 | 57 | 73.5 | 85 | 89 | 66 | 8 | 82.1 |
| 4 | 73 | 66 | 69 | 68 | 68 | 8 | 76.8 |

***SELECTED**

The top scoring firm, Ocean Blue, was selected as most qualified to meet the Harbor Department’s anticipated needs over the proposed one-year contracting period. This firm exceeds all necessary qualifications and experience to provide as-needed emergency response/hazardous waste management services. EMD recommends that the Harbor Department enter into a one-year Agreement with Ocean Blue for a not-to-exceed amount of \$2,000,000.

Small Business Enterprise (SBE) and Local Business Enterprise Preference Programs (LBE) – Due to the specialized nature of the work, the contractor will be required to meet a 10% SBE goal for all non-emergency work. All emergency response services are exempt from the SBE goal. The 10% SBE goal can be met through the prime consultant or subconsultants. The specific subcontractor participation levels will be committed through individual PDs when non-emergency projects are assigned. Ocean Blue is a certified SBE; therefore, 100% of their services will apply towards the SBE goal. The contract opportunity was also eligible for the LBE Preference Program, which provides for an eight percent preference in their selection scores for qualifying LBEs. Ocean Blue is an LBE.

DATE: SEPTEMBER 27, 2022

PAGE 5 OF 6

SUBJECT: AGREEMENT FOR EMERGENCY RESPONSE AND HAZARDOUS WASTE MANAGEMENT SERVICES

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of one proposed as-needed Agreement for emergency response and hazardous waste management services, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

The proposed one-year Agreement authorizes a total contract amount not-to-exceed \$2,000,000. It is anticipated that funds for this proposed Agreement will be expended as follows:

| | |
|--------------|--------------------|
| FY 22/23 | \$1,000,000 |
| FY 23/24 | <u>\$1,000,000</u> |
| TOTAL | \$2,000,000 |

Fiscal Year 2023 funding in the amount of \$1,000,000 is available within Account 54260 (Environmental Assessment Services), Center 330, Program 000. Funding in future years will be requested through the annual budget adoption process, subject to Board approval.

The Harbor Department's financial obligations after the current fiscal year are contingent upon the Board appropriation of funds. If any subsequent fiscal year funds are not appropriated by the Board for the work required by the proposed Agreement, the Agreement shall be terminated. However, such termination shall not relieve the parties of liability for any obligations previously incurred. A funding out clause is included in the Agreement.

CITY ATTORNEY:

The Office of the City Attorney has reviewed and approved the proposed Agreement as to form and legality.

DATE: SEPTEMBER 27, 2022

PAGE 6 OF 6

SUBJECT: AGREEMENT FOR EMERGENCY RESPONSE AND HAZARDOUS
WASTE MANAGEMENT SERVICES

TRANSMITTALS:

1. Agreement with Ocean Blue Environmental Services, Inc.
2. Proposal Evaluation Form

FIS Approval: MB
CA Approval: SO


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